

## REMARKS

Claims 1-38 are currently pending. Accordingly, claims 1-38 are at issue.

The Examiner has rejected claims 1-7, 10-21, 29-32, 35-36 and 38 under 35 U.S.C. 103(a) as being unpatentable over Jammes in view of Swales et al. Applicant respectfully traverses this rejection.

According to 35 U.S.C. 103(c):

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application is owned by Schneider Automation, Inc. The Assignment of the inventor is recorded at Reel/Frame 012285/0320.

Both Jammes and Swales et al., qualify as prior art only under subsections (e), (f) and/or (g) of section 102. At the time of the present invention, the inventions of both Jammes and Swales et al., were also owned by Schneider Automation, Inc. The Assignment of the inventors of Jammes is recorded at Reel/Frame 012276/0357, and the Assignment of the inventors of Swales et al., is recorded at Reel/Frame 9669/0845. The present application, Jammes and Swales et al., are currently all owned by Schneider Automation, Inc.

In view of the common ownership, neither Jammes or Swales et al. can "preclude patentability" of the present invention under 35 U.S.C. 103(c). Accordingly, Applicant respectfully submits claims 1-7, 10-21, 29-32, 35-36 and 38 are patentable over Jammes in view of Swales et al.

The Examiner has rejected claims 24-26 under 35 U.S.C. 103(a) as being unpatentable over Dubé et al. in view of Swales et al. Applicant respectfully traverses this rejection.

As set forth above, Swales et al., cannot preclude the patentability of the present invention. Moreover, Dubé et al., also qualifies as prior art only under subsections (e), (f) and/or (g) of section 102, and is also owned by Schneider Automation Inc. The Assignment of the inventors of Dubé et al., is recorded at Reel/Frame 009669/0842.

Accordingly, Applicant respectfully submits claims 24-26 are patentable over Dubé et al., in view of Swales et al.

The Examiner has rejected claims 8-9, 22-23, 27-28, 33-34 and 37 under 35 U.S.C. 103(a) as being unpatentable over Jammes in view of Swales et al., and further in view of Stutz. Applicant respectfully traverses this rejection.

As set forth above, neither Jammes or Swales et al., can preclude the patentability of the present invention under 35 U.S.C. 103. Accordingly, Applicant respectfully submits claims 8-9, 22-23, 27-28, 33-34 and 37 are patentable over Jammes in view of Swales et al., and further in view of Stutz.

### Conclusion

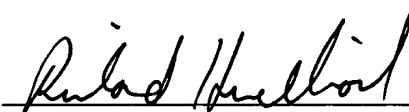
In light of the foregoing Remarks, Applicant respectfully submits pending claims 1-38 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1-38. The Examiner is invited to contact the undersigned at the number below if there are any questions concerning this Response.

The Commissioner is authorized to debit or credit Deposit Account No. 23-0280 for any payment **deficiencies or overpayments** associated with this matter.

Respectfully submitted,

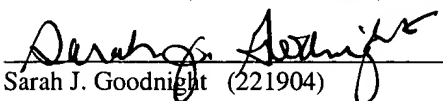
Dated: March 28, 2005

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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on March 28, 2005.

  
Sarah J. Goodnight (221904)